



Malta

Country Reports on Human Rights Practices - [2002](#)

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Malta is a constitutional republic and a parliamentary democracy. The chief of state (President) appoints as the head of government (Prime Minister) the leader of the party that gains a plurality of seats in the quinquennial elections for the unicameral legislature. The judiciary is independent.

The appointed commissioner who commands the police was under the effective supervision of the Government and may be either a civilian or career member of the force.

The economy was a mixture of state-owned and private industry, with tourism and light manufacturing the largest sectors. It provided residents with a moderate to high standard of living. The country had a population of 393,447 in 2001.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Violence against women remained a problem, and societal discrimination against women persisted; however, the Government took steps to address both issues. Malta was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Male prisoners were held separately from female prisoners, juvenile offenders were held separately from adult criminals, and pretrial detainees were held separately from convicted prisoners.

The Government permits visits by independent human rights observers; however, there were no reported prison visits during the year. In May 2001, the European Committee for the Prevention of Torture visited the country's main detention facilities. The Committee released a positive report in August.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and the law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions. The police may arrest a person for questioning on the basis of reasonable suspicion but within 48 hours must either release the suspect or file charges. Arrested persons have no right to legal counsel during this 48-hour period. Persons incarcerated pending trial were granted access to counsel. Bail normally was granted. Detention cells, which recently were extensively refurbished and upgraded, were in use at police headquarters.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

In August the Chief Justice and a second judge resigned their judicial position due to bribery allegations made against them involving a prison sentence appeal. As of year's end, criminal corruption charges were outstanding against both officials, and trials were scheduled for 2003.

The President, on the advice of the Prime Minister, appoints the Chief Justice and 16 judges. Judges serve until the age of 65, and magistrates serve until the age of 60. The highest court, the Constitutional Court, interprets the Constitution and has original jurisdiction in cases involving human rights violations and allegations relating to electoral corruption charges. The two courts of appeal hear appeals from the civil Court, court of magistrates, special tribunals, and the criminal court, respectively.

The criminal court, composed of a judge and nine jurors, hears criminal cases. The civil court first hall hears civil and commercial cases that exceed the magistrates' jurisdiction; the civil court's second hall offers voluntary jurisdiction in civil matters. The court of magistrates has jurisdiction for civil claims of less than \$2,360 (2,179 euros) and for lesser criminal offenses. The juvenile court hears cases involving persons under 16 years of age.

The Constitution provides for the right to a fair public trial before an impartial court, and an independent judiciary enforces this right. Defendants had the right to counsel of their choice or, if they could not pay the cost, to court-appointed counsel at public expense. Defendants enjoyed a presumption of innocence, may confront witnesses, present evidence, and had the right of appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; violations were subject to effective legal sanctions. Police officers with the rank of inspector and above were allowed to issue search warrants based on reasonable grounds for suspicion of wrongdoing. Under the law, special powers such as telephone tapping are available to the security services only under specific written authorization of the Minister for Home Affairs or the Prime Minister; such actions were permitted only in cases related to national security, including combating organized crime. A special commission and security committee examined these authorizations; the Prime Minister, the Leader of the Opposition, and the Ministers for Home and Foreign Affairs sat on this committee and oversaw the service's work.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, the law bans foreign participation in local politics during the period leading up to elections, although this provision rarely was used. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

Diverse views were expressed in four daily newspapers, and 10 weekly newspapers, including 6 Sunday editions. A total of 6 television stations, a commercial cable network, and 19 radio stations functioned freely. Internet access was available and unrestricted.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution establishes Roman Catholicism as the State religion. The Government and the Catholic Church participated in a foundation that finances Catholic schools. While religious instruction in Catholicism was available in all state schools, the Constitution established the right not to receive this instruction if the student (or guardian, in the case of a minor) objects.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. In 2001 the Government rescinded a court order prohibiting the departure from the country of anyone who was the subject of a formal complaint that alleged non-fulfillment of a legal obligation, such as the nonpayment of a debt or nonsupport of an estranged spouse.

The Refugee Act of 2000 provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR). The law provides for refugee status, access to free social services and education, residence permits, and travel documents. Work permits for refugees were issued on a case-by-case basis. A 2001 law expanded due process and the protection available to refugees applying for asylum and established a refugee commission and an appeals board to review asylum applications.

The Government provides for first asylum.

During the year, the refugee commission received 194 applications for refugee status. It approved 9 of these and refused 176. Seven remained pending, and two were withdrawn at year's end. Of the 176 refused cases there were 60 persons, including 22 children, who were offered temporary humanitarian protection because of difficulties in returning to their homeland.

There were no reports of the forced return of any persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

There were 6 women in the 65-seat House of; one held ministerial rank in the 14-member Cabinet. There were four women in the Magistrates' Court. The Government has taken steps to include more women in the civil service and other government positions, and 8 to 10 percent of senior government officials were female; 11 women were serving as chairpersons on appointed government boards at year's end. In July the Government appointed its first woman Ambassador; she serves as diplomatic envoy to Spain.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or sex. Alleged victims of job discrimination were allowed to apply directly for redress to the Employment Commission

of the first hall of the Civil Court in the appropriate jurisdiction.

Women

Domestic violence against women was a problem. Between January and July, the Police Domestic Violence Unit received 113 reports of domestic violence, compared with 185 reports in 2001. A special police unit and several voluntary organizations provided support to victims of domestic violence. There was a hotline to assist victims of abuse through counseling and referrals to legal assistance shelters. The Government provided support to victims of domestic violence through the Department of Welfare for the Family and its Social Welfare Agency known as Appogg. Early in the year, the Government contributed to the setting up of a shelter for women and children who might have become homeless for various reasons. The Government also maintained an emergency fund and subsidizes shelters. The Government also provided financial support to a shelter operated by the Catholic Church. In 1998 the Government set up a committee to review existing family legislation and propose amendments dealing with domestic violence; however, no new legislation had been enacted by year's end.

Rape and violent indecent assault carry sentences of up to 10 years' imprisonment. The law treats spousal rape in the same manner as other rape. Divorce is not legal.

Prostitution is a serious offense under the law, and stiff penalties are reserved for organizers. Although exact figures were not available, there were some prosecutions during the year.

The Constitution provides that all citizens have access, on a nondiscriminatory basis, to housing, employment, and education; however, while women constitute a growing portion of the work force, they were underrepresented in management. Cultural and traditional employment patterns often directed women either into traditional "women's jobs" (such as teachers or nurses) or into jobs in family-owned businesses or select professions (academia or medicine). As a result, women generally earned less than their male counterparts.

Women's issues were handled by the Department for Women in Society and the National Commission for the Advancement of Women under the Minister of Social Policy. The Commission's program for 2001 focused on broader integration of women into society. It advised the Government on the implementation of policies in favor of equality of the sexes. The Department for Women in Society was responsible for the implementation of initiatives and guidelines set by the Commission.

Women enjoyed equality in matters of family law and the Government promoted equal rights for all persons regardless of sex. The Government took steps to provide gender-neutral legislation, and redress in the courts for sexual discrimination was available.

Children

The Government was committed strongly to children's rights and welfare. It provided free, compulsory, and universal education through age 16. The Government provided universal free health care to all citizens.

The Government addressed concerns for children's rights and welfare within family law.

There was no societal pattern of abuse of children, and the number of reported cases of child abuse decreased from the previous year. As of the end of June, 468 cases of child abuse had been reported. A "helpline" telephone number existed for reports of suspected cases of child abuse.

Persons with Disabilities

The law provides for rights for persons with disabilities. The 2000 Persons with Disabilities Act built on provisions in the public employment and accessibility laws and requires the private sector to apply equal employment guarantees already in place in the public sector. For example, private development project plans must include access for persons with disabilities. Efforts continued during the year to provide children with disabilities with access to mainstream schools as opposed to segregated schools. The Employment Training Corporation was responsible for registering unemployed persons with disabilities to ensure compliance with the law, which requires that every company employing more than 20 persons hire at least 2 percent of its workforce from the Register for Unemployed Disabled Persons.

National/Racial/Ethnic Minorities

In 2000 there were approximately 2,000 Muslims living in the country. Owners of some bars and discos periodically discouraged or prohibited darker-skinned persons, especially of African or Arab origin from entering their establishments.

In May the Government amended the Criminal Code, making racial hatred a crime. In November a court convicted the editor of an independent newspaper and a former columnist of racial hatred, following the publication of an article earlier in the year.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides workers with the right to associate freely, and workers exercised this right in practice. There were 38 registered trade unions, representing about 63 percent of the work force. Although all unions were independent of political parties, the largest, the General Workers' Union generally was regarded as having close informal ties with the Labour Party.

Under the law, the responsible minister may refer labor disputes either to the Industrial Tribunal (a government-appointed body consisting of representatives of government, employers, and employee groups) or to binding arbitration. The International Labor Organization (ILO) Committee of Experts for many years has criticized a provision of the law that permits compulsory arbitration to be held at the request of only one of the parties, in contravention of ILO Convention 87.

Under the law, an employer may not take action against any employee for participation or membership in a trade union. Complaints were allowed to be pursued through a court of law, through the Industrial Tribunal, or through the Tribunal for the Investigation of Injustices (presided over by a judge of the Superior Court); however, most disputes were resolved directly between the parties. Workers fired solely for union activities must be reinstated. There were no reports of such firings during the year.

There is no prohibition on unions affiliating internationally, and many unions have such affiliations.

b. The Right to Organize and Bargain Collectively

Workers are free, in law and practice, to organize and bargain collectively. In September 2001, the Government established the Malta Council for Economic and Social Development as an advisory body between the Government, unions, and employers. It may also consult other organizations to advise on issues related to the economic and social development.

Workers had the right to strike. Only noncivilian personnel of the armed forces and police were prohibited from striking. In principle a striking union was allowed to ignore an unfavorable decision of the Industrial Tribunal by continuing to strike on other grounds.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits the employment of children younger than age 16. The Department of Labor enforced the law effectively, but allowed summer employment of underage youth in businesses operated by their families; some underage children were employed as domestics, restaurant kitchen help, or vendors.

e. Acceptable Conditions of Work

The weekly minimum wage was \$111.70 (103 euros) for persons under age 17; \$114.58 (106 euros) for 17-year-olds; and \$121.47 (112 euros) for persons aged 18 and over. In addition, an annual mandatory bonus of \$520 (480

euros) was paid. This minimum wage structure provided a decent standard of living for a worker and family with the addition of government subsidies for housing, health care, and free education. Wage Councils, composed of representatives of government, business, and unions, regulated work hours; for most sectors the standard was 40 hours per week, but in some trades it was 43 or 45 hours per week.

Government regulations provide for a daily rest period, which was normally 1 hour, and 1 day of rest per week. The law mandates an annual paid vacation of 4 workweeks plus 4 workdays. The Department of Labor generally enforced these requirements.

Enforcement of the Occupational Health and Safety Authority Act was uneven, and industrial accidents remained frequent. Workers were allowed to remove themselves from unsafe working conditions without jeopardy to their continued employment.

f. Trafficking in Persons

In May the Government amended the criminal code, prohibiting trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

The White Slave Traffic Ordinance and the Criminal Code prohibit procurement for prostitution, pornography, sexual offenses, defilement of minors, illegal detainment, unlawful carnal knowledge, and indecent assault. Traffickers may be prosecuted under the criminal code or under the Immigration Act for unlawful entry or unregulated status. In 2001 the penalty was increased for illegal transportation of persons.